

No. 11/112)-3Lab-80/2145.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Faridabad Complex Administration, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 334 of 1979.

between

SHRI RAM PAL, WORKMAN AND THE
MANAGEMENT OF M/S. FARIDA-
BAD COMPLEX ADMINISTRATION,
FARIDABAD.

Present:—

Shri Bhim Singh Yadav, for the
workman.

Shri Parshu Ram, for the manage-
ment.

AWARD

1. By order No. 61/44883, dated 22nd October, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Faridabad Complex Administration, Faridabad and its workman Shri Ram Pal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Pal was justified and in order? If not to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and stated that the workman has been re-employed and there is no dispute. I, therefore, give my award that there is no dispute between

the parties. The workman has been re-employed by the management.

Dated the 13th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 148, dated 15th February, 1980.

Forwarded, (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11 (112)-3Lab-80/2151.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Bhiwani Textile Mills, Bhiwani.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 12 of 1972

between

THE WORKMEN AND THE MANAGEMENT
OF M/S BHIWANI TEXTILE MILLS,
BHIWANI

Present :

Shri Maya Ram for the workmen.

Shri S. K. Gulati for the management.

AWARD (INTERIM)

1. By order No. ID/HSR/18-I-71/4586, dated 1st February, 1972, the Governor of Haryana, referred the following disputes between the management of M/s Bhiwani Textile Mills, Bhiwani and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workers should be supplied cloth manufactured in the fac-

- factory at the cost prices ? If so, with what details ?
2. Whether the existing Cycle Stand should be remodelled providing more place for placing cycle to the workers in the factory ? If so, with what details ?
 3. Whether arrangement for providing cheap Meal @ 50 paise per meal should be made in the Canteen of the factory ? If so, with what details ?
 4. Whether the basic pay of Shri Dhani Ram S/o Shri Rup Ram should be increased ? If so, with what details and from which date ?
 5. Whether the workers working on Dyeing Range Machines in Dyeing section should be designated as Machineman and paid as such ? If so, with what details ?
 6. Whether Shri Arjun Singh S/o Shri Goanda should be paid double wages for 31st May, 1970 ? If so, with what details ?
 7. Whether Shri Arjun Singh S/o Shri Khem Singh should be compensated from the loss suffered by him in wages on account of his transfer by Banding Section to paper Combyding w.e.f. 17th May, 1970 ? If so, with what details ?
 8. Whether sub-pension of Shri Chauth Mal S/o Shri Kalu Ram from 24th March, 1970 to 27th March, 1970 was justified and in order ? If not to what relief is he entitled ?
 9. Whether the workers mentioned in enclosed list as Annexure (A) are entitled to the grant of National and Festival Holidays ? If so, with what details ?
 10. Whether the termination of services of Shri Brahma Nand was justified and in order ? If not, to what relief is he entitled ?
 11. Whether the suspension of the following workers for the period noted against them was justified and in order ? If not to what relief are they entitled ?
 1. Shri Ram Bali : 17 and 18-8-69.
 2. Shri Daya Krishan : 14 and 15-4-70.
 3. Shri Brahma Nand : 22-11-69.
 12. Whether the workmen should be granted wheat advance ? If so, with what details ?
 13. Whether the workmen (List enclosed) Annexure B should be confirmed ? If so, with what details ?
2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 9th April, 1973.—
1. Whether no industrial dispute existed between the management of Bhiwani Textile Mills and reference ? If so, with what effect ?
 2. Whether the demands covered by item Nos. 1 and 12 of the order of the reference do not constitute industrial dispute within the meaning of the Industrial Disputes Act ?
 3. Whether the demand covered by item No. 4 of the order of reference stands settled by settlement dated 7th December, 1970 ?
 4. Whether the workers should be supplied cloth manufactured in the factory at the cost prices ? If so, with what details ?
 5. Whether the existing Cycle Stand should be remodelled providing more place for placing cycle to the workers in the Factory ? If so, with what details ?
 6. Whether the basic pay of Shri Dhani Ram S/o Shri Rup Ram should be increased ? If so, with what details and from which date ?
 7. Whether the workers working in Dyeing Range Machines in Dyeing section should be designated as Machineman and paid as such ? If so, with what details ?
 8. Whether Shri Arjun Singh S/o Shri Gaonda should be paid double wages for 31st May, 1970 ? If so, with what details ?
 9. Whether Shri Arjun Singh S/o Shri Khem Singh should be compensated from the loss suffered by him in wages

on account of his transfer from Banding Section to paper complying w.e.f. 17th May, 1970 ? If so, with what details ?

10. Whether sub-pension of Shri Chauth Mal S/o Shri Kalu Ran from 24th March, 1970 to 27th March, 1970 was justified and in order ? If not, to what relief is he entitled ?

11. Whether the workers mentioned in enclosed list as Annexure A are entitled to the grant of National and Festival Holidays ? If so, to what details ?

12. Whether the termination of services of Shri Brahma Nand was justified and in order ? If not, to what relief is he entitled ?

13. Whether the suspension of the following workmen for the period noted against them was justified and in order ? If not, to what relief are they entitled ?

- | | |
|-----------------------|-----------------|
| 1. Shri Ram Bali. | 1' and 18-8-69. |
| 2. Shri Daya Krishan. | 1 and 15-4-70. |
| 3. Shri Brahma Nand. | 22-11-69. |

14. Whether the workmen should be granted Wheat Loan Advance ? If so, with what details ?

15. Whether the workmen (list enclosed) Annexure "B" should be confirmed ? If so, with what details

3. My learned predecessor again framed another additional issue which is given below on 16th April, 1974:—

16. Whether arrangement for providing Cheap Meal @ 50 paise per Meal should be made in the Canteen of the factory ? If so, with what details ?

4. The parties led their evidence and closed their case. Arguments were heard. The parties also filed written arguments. The Hon'ble the Punjab and Haryana High Court struck down the previous award dated 27th October, 1977 given by this Tribunal in this reference as their Lordships found that award lacking in proper foundation and directed this Tribunal to give a fresh award. Thereafter opportunities to lead evidence and for hearing arguments were given

to the parties. The parties were heard. Now I give my findings issuewise:—

ISSUE No. 1 :

The representative for the workmen argued that all the demands or the disputes mentioned in the reference form industrial dispute, whereas the representative for the management argued that these disputes did not form industrial dispute. The representative for the management cited FJR Vol. 16 page 323 and 1968 I LLJ page 834 in support of his contention. I have gone through the law on the subject and have considered the arguments for both the parties. The dispute mentioned in the order of reference are all industrial disputes. They involve the demands of the workmen. The representative for the management also relied on the definition of industrial dispute as given in the Industrial Disputes Act under section 2(k). I have gone through 2(k) of the Industrial Disputes Act, which defines industrial dispute mentioned as disputes or difference between the employers and the workmen connected with the employment or the terms of employment or the conditions of labour. I am of the opinion that all the disputes fall within this definition. I, therefore, decide issue No. 1 against the management and in favour of the workmen.

ISSUE No. 2 :

There is not an iota of evidence on this issue. Neither the parties addressed any arguments on this issue. I have seen the written arguments filed by the parties also. None of the parties have addressed any arguments in writing on this issue. I, therefore, decide this issue against the management and hold that the demand covered by item Nos. 1 to 12 constitute an industrial dispute within the meaning of the Industrial Disputes Act.

ISSUE No. 3 :

I have seen the settlement filed by the management. A settlement in respect of demand notice dated 24th September, 1969 is Ex. M-1. Another settlement in respect of demand notice dated 6th September, 1969 is Ex. M-2. These are the copies of settlement filed by the management. Settlement Ex. M-1 is undated. Settlement Ex. M-2 dated 8th March, 1970 was arrived at between the Technological Institute of Textiles, Bhiwani and its workmen. By Ex. M-1 the workmen of this management agreed that para Nos. 1 to 8 of settlement dated 8th March, 1970 between the management of M/s. Technological

Institute of Textiles Mills, Bhiwani and its workmen shall be binding on them. Therefore, I have gone through Ex. M-2 also, the settlement between the Technological Institute of Textiles Mills, Bhiwani and its workmen, I have gone through carefully through all the paras of settlement. There are 8 paras in this settlement. Para No. 4 of Ex. M-2 provides for annual increments whereas demand No. 4 is whether the basic pay of Shri Dhani Ram S/o Shri Rup Ram should be increased, hence para No. 4 of this settlement does not apply and does not cover this demand. Para No. 4 of Ex. M-2 providing for annual increment is a separate subject and that does not apply to demand No. 4. Other paras also do not apply to demand No. 4, hence I decide issue No. 3 against the management and hold that the demand covered by item No. 4 does not stand settled by the said settlement. Moreover, the operation of that settlement came to an end on 31st December, 1973 as per para No. 2 of Ex. M-1 Settlement.

ISSUE No. 4 :

WW-9 Shri Maya Ram Sharma has stated that cloth at cost price should be supplied to the workmen and their demand is genuine as the retail price of cloth in the market has gone enormously high and that such retail cloth shops have been provided for the benefit of the workmen outside the Birla Cotton Mills and Ayudhia Textile Mills at Delhi. He further stated that in Bhiwani also some cloth merchants supplied cloth to their employees at cheaper rates. In cross-examination this witness stated that the workers of Birla Cotton Mills and Ayudhia Textiles Mills at Delhi are getting cloth from their employers at concessional rates. The management examined one Shri N. S. Mehta, their Factory Manager on this issue as MW-4 who had stated that they are manufacturing control cloth to the tune of 95 per cent of their total production which is sold to the allottees appointed by the Textile Commissioner. He further stated that the cost price of the cloth manufactured by the management cannot be ascertained. He had further stated that even there is no such system prevalent in T.I.T. Mills, Bhiwani. That is the whole evidence before me on this issue.

5. I have considered the entire evidence on this issue and the arguments oral as well as written addressed by the parties on this issue. The learned representative for the management has argued that this demand of the workmen is

not tenable as the workers are getting shares in surplus profits. He has also drawn my attention to balance sheet and profit and loss account for the years 1972-73, 1973-74 and 1974-75. But this demand was raised by demand notice dated 12th October, 1970, hence the balance sheet for the years mentioned above are not relevant. The reference is pending since 14th February, 1972. Therefore, I do not attach any importance to these balance sheets as far as this issue is concerned. The management has further argued in their written arguments that this is not an Industrial Dispute. On the contrary the workmen have argued in their written arguments that the wages paid to the workmen are far below the fair wage and their demand is justified in view of rising trend in price of cloth. But Mr. Ghai while arguing stated that they are ready to supply cloth to the union at Ex-Mill price in at least a bale system in respect of cotton clothes and in a case system in respect of terryine cloth and the union may distribute that cloth to the workmen. The representative of the workmen argued that the workmen are very poor and they cannot purchase a bale of cotton cloth and a case of Terryine cloth as they have no funds. Therefore, the representative for the workmen argued that the union may be provided cloth in loose parcels. Then a question of excise duty arose and then the representative for the workmen argued that the excise duty is leviable whether the cloth go out of the mills in bale or in parcel but the representative for the management argued that it was not possible to get the cloth out of the mills in loose parcels according to the system of working of the excise department.

6. I have considered the demand from all angles of vision. I think that the demand is justified. It is a common knowledge that the price of cloth have arisen considerably and it is justified that the workmen, who manufacture the cloth, may get cloth at the cost price. What would it matter if no profit is earned on the cloth sold to those workmen who manufacture that very cloth but the management has stated that it is not possible to ascertain the cost price. I do not believe this statement of the management. Every producer can ascertain and ascertains the cost price of the thing that he produces, otherwise it becomes difficult to work for profit. But the workmen have not given reliable evidence that the management can ascertain and ascertains the cost price of the cloth that he produces. Therefore, I think the ends of justice would meet if the workmen are supplied cloth at the

Ex-Mill price. The question then may arise as to whether the workmen might not use this benefit for gain whereas they have demanded this benefit for their own use, hence details have to be given. Here I would fix the family of a workman as 4 members. The workman, his wife and two children. Each of them may have two cotton pants and two Terryne pants per year. Similarly, they should have two cotton shirts and two terryne shirts per year and each may have four under-wears. As far as the supply of cotton cloth is concerned, the family consisting of four members as given above may be supplied cotton cloth measuring 80 yards the maximum per year. Cotton cloth used for other purposes also than dresses, hence 80 yards of cotton cloth should be supplied to every workman for his use and for the use of his family per year at Ex-Mill price.

6-A. Similarly, 20 yards of Terryne cloth—the maximum, should be supplied to every workman at Ex-Mill price. The workmen may purchase at Ex-Mill price lesser quantity of cloth than the quantity given above but shall not get more than that as of right—per this award, but he may purchase cotton cloth in lieu of Terryne cloth detailed as above.

7. The learned representative for the management argued that they themselves cannot distribute and the distribution work should be taken by the union and union should pay price of the cloth at one time when they purchase the cloth either in a bale or in a case but not in loose parcels. This argument of the management does not appeal to me. They can keep one bale of cotton cloth and one case of Terryne cloth somewhere out of the mill-gates but in the vicinity of the mills, and the workmen can purchase from that place as much as they like up to the extent of the above said maximum limit and pay the price of the cloth purchased by them. A day or two may be fixed in a month for such distribution of cloth, that is, the sale of cloth to the workmen at Ex-Mill rate. I, therefore, decide this issue accordingly in favour of the workmen.

ISSUE No. 5 :

The management have provided a bigger cycle stand and have placed its sketch on the file. When the management have provided a bigger cycle stand to the workmen, they have considered the demand in principle to provide for a bigger cycle stand. Therefore, the discussions of evidence is not necessary in this respect

but the question that arises here is that the management have provided that new bigger cycle stand at a distance of about $1\frac{1}{2}$ furlongs. The workmen have to place their cycles on this cycle stand, and then have to walk about $1\frac{1}{2}$ furlongs from that place on foot to the gates of the mills, it takes time also and it has not given as much facility, as was availed of by the workmen by the old cycle stand, which was opposite the mills-gate. The reference reads as follows:—

Whether the existing cycle stand should be remodelled providing more place for placing cycle of the workers of the factory ? If so, with what details ?

8. As the management has provided another cycle stand bigger in size but at a considerable distance, it has become difficult for me to answer this reference. At present the cycle stand existing at the time when the reference was made does not exist. It is surprising as to what led the management to change the site of the cycle stand without permission or information to this Tribunal, when the Tribunal was seized of the matter. At least they should have informed the Tribunal or, better, have taken permission from the Tribunal for changing the place of the then existing cycle stand, which they did not do. But I have to add that the present cycle stand, although a bigger one adds to the hardship of the workmen. It is about $1\frac{1}{2}$ furlong away from the gates of the mills.

9. WW-9 Shri Maya Ram had stated that most of the workmen do not utilise the new bigger cycle stand and place their cycles in front of the factory gate and there is no safety for their cycles. It is further stated that land in front of the factory gate is utilised for agricultural purposes and is a common passage and there is no shed out of the factory gate where they place their cycles and in summer even their cycles are punctured on account of heat. This is correct, but it is not known as to who is the owner of that agricultural land. Therefore, I cannot decide that the cycle stand should be provided on that agricultural land but, considering the evidence, I am of the view that as big a cycle stand as could accommodate the cycles of workmen just near the gates of the mills within a distance of 100 yards is a necessity of the workmen but as the then existing cycle stand does not exist now at that place, how can I decide whether the then cycle stand should be remodelled or not. This demand has become infructuous as the then existing cycle

stand does not exist there. But the workmen are not debarred from raising another dispute with regard to having sufficiently bigger cycle stand near the factory gate. This issue is decided accordingly.

ISSUE No. 6 :

The workmen have examined as many as six witnesses on this issue. WW-1 is Shri Dhani Ram the workman concerned who has stated that he was working on bleaching machine and Bathi and Shri Rohtas and Parkash are working as his helpers and all the three were getting the same grades and that a raw hand cannot operate this machine. He started working on this machine near about the year 1967-68. He further stated that Gulzari Lal was getting higher wage than him while working on the similar machine and Gulzari Lal and he have been in the services of the management for the same period. In cross-examination he admitted that Fateh Chand was also working on the machine and Bathi and he was getting wages higher than that he was getting. Shri Gulzari Lal was getting Rs. 14/- more than what he was getting. Although he could not tell whether Gulzari Lal was getting higher wages previously also before working on the Bathi. WW-2 Shri Fateh Chand stated that he was also working on the machine three years after when he joined services 14 years ago. He also had two helpers Banarsi and Ram Niwas. He stated that he was getting Rs. 5/- more than Dhani Ram. WW-3 Suraj Baksh stated that he had been working on the machine since 1971 and had two helpers Gopi and Sham Lal. He also stated that raw hand cannot work on the machine. He stated that the persons working on the machine and the helpers were in the same grades. He expressed his ignorance whether Sarvshri Gajraj and Mahi Pal had been getting higher pay before they were made to work on the machine. On attendance cards WW-2, WW-3 have been described as workmen. WW-4 and WW-5 and WW-6 corroborated the statements of WW-1 and have even stated more than what WW-1 has stated. On the contrary, the management examined Shri Narain as MW-1 who stated that Shri Gulzari Lal was getting higher wage previously and his pay was not reduced. He further stated that Mahi Pal and Gajraj were transferred to Dyeing Department and there was no difference in their wages. This witness also admitted that a beginner cannot work on the machine. He has to work as a helper for some times. He further

admitted that Gulzari Lal, Fateh Chand and Dhani worked on the Kier machine in three different shifts and all of them are provided with helpers. MW-2 Shri Tulsi Dass, Head Time-keeper of the management deposed regarding Brahma Nand and other workmen whose cases stand settled. This witness gave the minimum wage of unskilled, semi-skilled and skilled workmen and filed some statements. Other witnesses for the management have not deposed on this issue.

10. It is strange that Dhani Ram is working on the machine and he is not paid due wages. Even it is in the admission of the management witnesses that a raw hand cannot operate the machine and one has to work as a helper for some times before he is posted to work on the machine. It does not matter to me whether the previous wage of Gulzari Lal and Mahi Pal were protected by the management. It is good that the management protected the wages of these two workmen. It was their legal obligation that they performed but the question is whether Dhani Ram who is working on machine should be paid his due wages or not. It does not stand to reason that when he is provided with two helpers, he is also in the grade of a helper. It is in the admission of the management's evidence that this man is working on machine. The management could not refute this truth. The management has produced Ex. M-1 showing the rate of wages of Dhani Ram at Rs. 34/- whereas Gulzari Lal has been shown to receive Rs. 48/- as wages. It does not matter that Dhani Ram has not been shown as machineman on his attendance cards. It is the management who shows the categories of the workmen on his attendance cards. In Ex. M-1 the categories or workmen have not been given. In Ex. M-2, the categories of workmen have been given therein. Sarvshri Gajraj, Mahi Pal and Mangtoo have been shown as machinemen whereas others have been shown as helpers. The name of Shri Dhani Ram appears in Ex. M-1 which is a statement showing the rates of workers working on bleaching machine. It leads me to conclude that the management has shown Dhani Ram as a worker. It is well established fact and proved beyond doubt that Shri Dhani Ram is working on the machine since 1967-68. I fail to understand why Dhani Ram has been paid as a worker while he is working on the machine and has not been paid the wages of a machineman. When Mahi Pal, Gajraj and Mangtoo are machinemen and are

paid the wages of machinemen, why Dhani Ram should not be paid the wages of machineman. The management witnesses MW-1 has clearly stated that Gulzari Lal, Fateh Chand, Dhani Ram worked on the Kier machine in three different shifts and they are provided with helpers. When Gulzari Lal is paid Rs. 48, why Dhani Ram should be paid Rs. 34 ? The management have stated and argued that they have protected the previous wage of Gulzari and Mahi Pal but I fail to understand as to what they protected, they are taking the work of a machineman. When Dhani Ram works on his machine in one shift in his shift, it means that he is incharge of the machine and is provided with two helpers. The management have made a great distinction as they are paying Sarvshri Mahi Pal, Gajraj and Mangtoo the wages of a machineman whereas they are paying to Dhani Ram, Fateh Chand and Gulzari Lal, the wages in workmen grades. But here I am not concerned with Gulzari Lal and Fateh Chand. To me only the matter of Dhani Ram is referred. From the evidence before me I conclude that Dhani Ram, when he performed equal duty to Gulzari Lal, should not be paid less wages. It is in the evidence of the management that raw hand and a beginner cannot work on the machine. Mahi Pal and others have also worked as helpers for about three years and a beginner and a raw hand can perform the duty of a helper. Therefore, it stands to reason that Dhani Ram is not an un-skilled workman. When he works on the machine in his shift independently and is provided with two helpers who are un-skilled workmen, he cannot be designated as an unskilled. I take him to be at least semi-skilled workman. Next higher category to un-skilled workmen is semi-skilled (A). I, therefore, decide that Dhani Ram should be paid the wages of semi-skilled (A) workman.

11. The order of reference was made in the year 1972. The demand was raised in the year 1970. Therefore, I hold that Shri Dhani Ram, s/o Shri Rup Ram should be paid the wages of semi-skilled (A) from 1st February, 1972 i.e. the date of the notification of the reference. I, therefore, decide this issue accordingly.

ISSUE No. 7 :

The workmen have examined Shri. Manga as WW-4 and Shri Mangtoo as WW-5 who have deposed that they worked as helpers for two years and thereafter were made to work on a machine. They were assisted by two helpers,

Similarly, Shri Mangtoo has stated that he joined service in the year 1965 as a helper but three years thereafter he started working on a machine. He stated that Mahi Pal and Gajraj are also working on the machine but they are getting higher wages. He admitted in cross-examination that Mahi Pal and Gajraj have been shown as machinemen on their attendance cards and he has been shown as a workman on his attendance card. He further stated that besides the machineman, two workers work on the machine and it is the machineman who actually operates the machine and his duty was to look after the proper working of the machine without causing any damage to the cloth and the helpers assist in bringing the material and removing the cloth. I have perused Ex. M-2 produced by the management. They have shown Mangtoo as machineman at S. No. 3, although the management has shown Manga as helper at S. No. in Ex. M-2 but there is no rebuttal of the fact that Mangtoo and Manga do not work on the machine. Nor there is any suggestion in the cross-examination that the year helpers only and are not operating the machine. The management has done injustice to these two persons named Shri Mangtoo and Manga denying them the wages of machinemen. Even MW-1 has admitted that Manga and Mangtoo and others have been working on the drawing range machine and they are given helpers i.e. two helpers for one machineman. Therefore, it is admitted fact in the evidence of the management that Manga and Mangtoo are machinemen. The management is paying wages of the machineman to Mahi Pal and Gajraj and not to Mangtoo and Manga. It is proved that Manga is not a helper and Mangtoo has been shown as machineman in Ex. M-2. No other person named in Ex. M-2 have appeared before me as his own witness. Therefore, I cannot decide regarding other workmen but hold that Mangtoo and Manga should be paid the wages of machinemen from 1st February, 1972 the date of notification of the reference. Although they are working on the machine much prior to the date of reference. I, therefore, decide this issue accordingly.

ISSUE No. 8 :

The representative for the workmen did not press demand No. 6 which is under this issue, hence I decide this issue against the workmen.

ISSUE No. 9 :

Demand No. 7 is under this issue. There has been a compromise in this matter. The representative for the workmen has given a statement

that if the management pays Rs. 60 only to Shri Arjan Singh s/o Shri Khem Singh the workman concerned, he shall give up the demand. The management agreed to this, hence I decide this issue as follows :—

That on payment of Rs. 60 to the workman concerned Shri Arjan Singh s/o Shri Khem Singh, this demand shall stand withdrawn. The issue is decided accordingly.

ISSUE No. 10 :

Demand No. 8 is under this issue for which the representative for the workmen did not press and gave a statement to this effect on 26th February, 1974, hence I decide this issue against the workmen.

ISSUE No. 11 :

Issue No. 11 concerns dispute No. 9 for which the representative for the workmen did not press, hence I decide this issue against the workmen.

ISSUE No. 12 :

Issue No. 12 relates to dispute No. 10 in respect whereof a compromise has taken place on 3rd March, 1977 according to which the management shall pay to the workmen concerned Shri Brahma Nand one month's wage and thereupon the dispute shall stand withdrawn. I decide this issue accordingly.

ISSUE No. 13 :

Issue No. 13 relates to dispute No. 11 which the representative of the workmen did not press and gave a statement on 26th February, 1974 to that effect. I, therefore, decide this issue against the workmen. I now give my award dispute-wise as under :—

DISPUTE No. 1 :

The workers should be supplied cloth manufactured in the factory at Ex. Mill Price in the following quantity :—

- | | |
|------------------|---------------------|
| 1. Cotton Cloth | 80 Meters per year. |
| 2. Terrene Cloth | 20 Meters per year. |

The workers may purchase cotton cloth in lieu of Terrene cloth detailed as above, as per arrangement decided under issue No. 4.

DISPUTE No. 2 :

As the then cycle stand is no more in existence hence the question of its remodelling does not arise but the workmen can reagitate their

demand in respect of cycle stand, in the changed circumstances.

DISPUTE No. 3 UNDER ISSUE No. 16 :

Whether arrangement for providing cheap meal at the rate of 50 paise per meal should be made in the canteen of the factory ? If so, with what details ?

The above dispute was comprised in issue No 16 which reads as follows :—

Whether arrangement for providing cheap meal at the rate of 50 paise per meal should be made in the canteen of the factory ? If so, with what details ?

12. The parties had led their evidence on this issue and arguments have also been heard on this issue. MW-4 Shri N. S. Mehta, Factory Manager, has stated that the management have an arrangement for providing snacks and tea to the workmen in their canteen although there is no arrangement for providing meals and that a majority of workmen reside near the premises of the factory, they take their meals during lunch hours at their homes. The management made an experiment in the year 1964 to provide meal to the workmen but not more than 8/10 workmen came to take their breakfast. The experiment failed. The T.I.T. Mills had no arrangement for providing meals to their workmen. In cross examination he stated that he had no idea of the names of the members of the Canteen Works Committee and that the management had given the Canteen on contract to a contractor free of rent. I have gone through the written arguments of the parties also. It has been stated by the workmen that according to the computation made by the Government of diet costs per day from June, 1970 to March, 1971, the diet cost comes to 96 paise per day. As far as the cost of diet is concerned, the workmen argued that the management has not contested it even in their written statement. They have opposed their demands on their previous experiment which has failed. The workmen have also referred the report of National Commission on Labour. The management have argued that the management can be required to run the canteen on "no profit no loss" basis and the management would be willing to provide meal on this basis, but they further argued that the workers were not interested in availing of this facility, since they came from near places. I have considered the

arguments of the parties. I think that cheap meal should be provided to the workmen in their duty hours because they have to perform duty for 8 hours, and at the time of meal, snacks and tea may not prove to be sufficient food for a workman who work there on machines. I am, therefore, of this view that meal should be provided by the management in their canteen, as far as cost price of food is concerned the figures given by the workmen relate to the year 1970-71, which cannot be served as basis at present. I think the basis supplied by the management is a reasonable one. I, therefore, hold that meal to the workmen should be provided at the time of meals on the basis of "no profit no loss". I have also realised the difficulties of the management. They had argued that not more than 8/10 persons come to take their meal in the year 1964. In this connection if only 10 persons come to take their meals, the management is put to unbearable position. I, therefore, give these details so that arrangements may succeed. I think if at least 50 workmen take their meals, the management should have no difficulties to make these arrangements. I, therefore, give my award on dispute No. 3 as follows:—

"That the workmen should be provided meal in the factory canteen of the management at meal time during their duty hours on "no profit no loss" basis and should continue this arrangement at least for 3 months. At least 50 workmen should take their meal in the factory canteen as said above. During the said three months if the average of workmen taking their meal as said above is not 50 or more, the management can stop the arrangement after three months of the start of the arrangement.

Dispute No. 4.—The basic pay of Dhani Ram, son of Shri Rup Chand should be fixed at that of Semi-skilled A workman with effect from 1st February, 1972, the date of notification of the reference, at the rate of Rs. 32 plus Rs. 8 is equal to Rs. 40, instead of Rs. 26 plus Rs. 8 is equal to 34, other things being the same.

Dispute No. 5.—Shri Mangtoo and Manga should be paid the wages of a Machineman with effect from 1st February, 1972, the date of notification of the reference.

Dispute No. 6.—The representative for the workmen did not press this dispute, hence Shri

Ajan Singh, son of Shri Gaonda is not entitled to double wages for 31st May, 1970.

Dispute No. 7.—That the management shall pay Rs. 60 to the workman concerned Shri Arjan Singh, son of Shri Khem Singh and on this payment, this demand shall stand withdrawn.

Dispute No. 8.—The representative for the workmen did not press dispute No. 8, hence the suspension of Shri Choth Mal, son of Shri Kalu Ram was justified and in order. He is not entitled to any relief.

Dispute No. 9.—The representative for the workmen did not press this demand, hence it is not decided in their favour.

Dispute No. 10.—The management shall pay to the workman concerned Shri Brahma Nand one month's wage and thereupon this dispute shall stand withdrawn.

Dispute No. 11.—The representative for the workmen did not press this demand, hence it is not decided in their favour.

Dispute No. 12.—The dispute No. 12 is as follows:—

Whether the workmen should be granted wheat loan advance? If so, with what details?

This dispute is comprised in issue No. 14 which reads as follows:—

Whether the workmen should be granted wheat loan advance? If so, with what details?

13. I have gone through the evidence of the parties on this issue. The workmen had not given sufficient or satisfactory evidence on this issue. Moreover, at present I also feel that there is no wheat scarcity in the market and wheat is always available in the market. I, therefore, decide this issue against the workmen and decide that the workmen are not entitled to any wheat loan advance. On this dispute, I give my award that the workmen are not entitled to any wheat loan advance.

Dispute No. 13 under issue No. 15.—Dispute No. 13 reads as follows:—

Whether the workmen (list enclosed) Annexure B should be confirmed, with what details?

14. I have gone through the evidence of the parties on this issue. I have also considered the arguments of the parties. According to the management, 152 workmen have been shown in annexure 'B'. I have gone through annexure "B". It is correct that 152 workmen have been shown in this annexure. The management have argued that they are Badli workers, hence they cannot be confirmed. The management has further argued that 41 workmen have already been made permanent and that 70 workmen had left their service, and that was the position up to July, 1974. The management further argued that some of the workers might have been made permanent or might have left the service after July, 1974. Badli workers are the workers who work in place of workers who are on the rolls of the factory. The workmen have argued that they are not Badli workers. The management have also argued that they have been shown on their cards as "Badli workers". Showing Badli workers on cards does not matter. It is the management that shows the category of workmen on these cards. If the workmen are not Badli workmen and the management have shown them Badli workmen on their cards, this shall be immaterial for me. The management further argued that if Badli workers want permanent job, it shall be the matter of promotion and not of confirmation. I do not agree with this contention of the management. The promotion and confirmation are different matters. Confirmation and promotion are two different matters in ingredients and in constituents.

15. WW-8 has deposed that the workmen shown in Annexure W-1 to W-7 are marked in attendance register on the rolls of the establishment, their leave record is maintained, when they are laid off compensation is paid to them. He has stated that the workers who do not complete 240 days of service or one year of service are not paid lay off compensation and their names have not been included in these annexures, they are not Badli workers. He, in cross-examination, admitted that some of them have left service, and some of them have been made permanent.

16. It is in the evidence of the management that 41 workmen out of these 152 workmen have been made permanent, therefore, their plea, that these workmen cannot be made permanent does not stand. The management have placed on file Ex. M-3 showing the names of the workmen who have been made permanent in this

connection. They also placed on file Ex. M-4 showing the names of workmen who have left service.

17. Explanation to section 25(c) of the I.D. Act reads that if a Badli workman has completed one year of service in the establishment, he shall cease to be a Badli worker. The management has stated that these workers are Badli workers. They have not given details as to in whose places they have worked. The plea that these workmen are Badli workmen does not stand. In this connection the management have argued that the demand is not in accordance with the terms of reference. I do not find any contradiction in the demand and the terms of reference in this respect. I have seen Ex. M-6 in this, the attendance of workmen have been shown. In this statement, I find that the attendance of workmen have been shown since in the year 1968 to the year 1973. It shows that the workmen are working in the Mills for 5 years before the year 1973, and if some of the workmen out of these unconfirmed workmen are still in the employment of the management, then it goes to prove that they are working in the employment of the management for the last 8/9 years. It is justified that the workmen, who are still in the employment of the management out of these 152 workmen should be confirmed. 70 out of them have left the service of the management, 41 have been made permanent by the management, there remain 41 workmen to be confirmed by the management, and if some of these 41 unconfirmed workmen have left service of the management or have been made permanent by the management, this number of 41, reduces to the extent of the number of workmen leaving the employment or made permanent by the management, therefore, I find it justiceable that the remaining unconfirmed workmen, whose number maximum is 41 and minimum is that, reduced by leaving service by them or being made permanent by them. I, therefore, decide this issue in favour of the workmen and decide that the remaining unconfirmed workmen, who have neither been made permanent by the management nor who have left the service of the management, be made confirmed. The management has shown that these workmen started working since the year 1968. At least they have completed their service for 4 years prior to the order of reference. I think, they are entitled to be confirmed on and from the date of reference, i.e., 1st February, 1972. They are

entitled to get other benefits which a confirmed workman gets after confirmation from the date of his confirmation. I, therefore, give my award on dispute No. 13, that the remaining unconfirmed workmen, who are still in the employment of the management, out of 152 workmen shown in annexure "B" to the order of reference should be confirmed. As regards details, they should be confirmed with effect from the date of order, of reference, i.e., 1st February, 1972. They should also get other benefits, which a confirmed workman gets after confirmation from the date of his confirmation.

Dated the 7th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Endst. No. 129, dated 12th February, 1980.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

ANNEXURE A

1. Shri Banwari Lal, son of Shri Bhagwana Ram.
2. Shri Shambhu Nath, son of Shri Jamna Parshad.
3. Shri Sohan Lal, son of Shri Ram Parshad.
4. Shri Devi Lal, son of Shri Kedar Nath.
5. Shri Dayakishan, son of Shri Moji Ram.
6. Shri Tulsi Ram, son of Shri Wasdev Parshad.
7. Shri Parbhu Dayal, son of Shri Larnam.
8. Shri Ambika Parshad, son of Shri Hardutt.
9. Shri Nathu, son of Shri Ganesh.

ANNEXURE B

1. Shri Punai, son of Shri Gangu Ram.
2. Shri Ram Bilash, son of Shri Shiv Rain.
3. Shri Tulsi Ram, son of Shri Baldev Parshad.

4. Shri Madan Singh, son of Shri Ganpat Singh.
5. Shri Devi Dayal, son of Shri Kedar Nath.
6. Shri Lal Chand, son of Shri Mangal.
7. Shri Kishan Lal, son of Shri Ladu Ram.
8. Shri Daya Nand, son of Shri Banarsi Dass.
9. Shri Banwari Lal, son of Shri Bhagwana Ram.
10. Shri Ram Parshad, son of Shri Indraj.
11. Shri Jagdish, son of Shri Ran Singh.
12. Shri Baijnath, son of Shri Banarsi Dass.
13. Shri Desh Raj, son of Shri Tara Chand.
14. Shri Gopal Singh, son of Shri Samai Singh.
15. Shri Tej Pal, son of Shri Mukhi Ram.
16. Shri Chelu Ram, son of Shri Ram Parlap.
17. Shri Man Singh, son of Shri Babu Lal.
18. Shri Mahesh Chand, son of Shri Pushkar Dutt.
19. Shri Sadhu Singh, son of Shri Raghuraj Singh.
20. Shri Sawant Singh, son of Shri Umrao Singh.
21. Shri Kehar Singh, son of Shri Richpaul Singh.
22. Shri Ram Rattan, son of Shri Ghanshyam Dass.
23. Shri Kalap Nath, son of Shri Mamru.
24. Shri Bhraham Dev, son of Shri Tirath Nath.
25. Shri Farida, son of Bhanware Lal.
26. Shri _____, son of Shri Dwarka Parshad.
27. Shri Jai Narain, son of Shri Mansa Ram.
28. Shri Devi, son of Shri Ram.
29. Shri Lalji, son of Jagannath.
30. Shri Ram Mehar, son of Shri Bhagwan Deen.
31. Shri Bhinku, son of Shri Bablu.
32. Shri Kailash Chand, son of Shri Mahadev Parshad.
33. Shri Manohar, son of Shri Gigranj.
34. Shri Tek Chand, son of Shri Bihari Lal.
35. Shri Ramesh, son of Shri Lalji.
36. Shri Sita Ram, son of Shri Chotan Lal.
37. Shri Hir Chand, son of Chinda Ram.
38. Shri Jairam, son of Shri Udmi Ram.

39. Shri Mam Raj, son of Shri Girdhari Lal.
40. Shri Radhey Shyam, son of Nanak Ram.
41. Shri Chiranji, son of Shri Maju Ram.
42. Shri Rohtash, son of Udmi Ram.
43. Shri Pyare Lal, son of Shri Munna Ram.
44. Shri Jagannath, son of Shri Mulai.
45. Shri Bhagirath, son of Shri Birju.
46. Shri Mahabir, son of Shri Ram Pal.
47. Shri Man Singh, son of Shochand.
48. Shri Kanshi Ram, son of Manku.
49. Shri Mahesh, son of Mamigir.
50. Shri Ram Kirpal, son of Ram Surat.
51. Shri Bhullar, son of Budh.
52. Shri Sohan, son of Shri Raje Ram.
53. Shri Budh Ram, son of Shri Anglu.
54. Shri Banwari, son of Shri Tej Ram.
55. Shri Kanhi Ram, son of Shri Subhai Ram.
56. Shri Banwari, son of Shri Laxman.
57. Shri Brij Parshad, son of Shri Ram Shah.
58. Shri Lachhi Ram, son of Shri Prahlad Singh.
59. Shri Magelu, son of Shri Pitai Ram.
60. Shri Ramji Lal, son of Shri Parbhati.
61. Shri Ram Chand, son of Shri Radhey Ram.
62. Shri Hajari Lal, son of Shri Durga Parshad.
63. Shri Shyam Lal, son of Shri Ram Charan.
64. Shri Chanda, son of Shri Shyolal.
65. Shri Nobat Singh, son of Parshadi Lal.
66. Shri Hari Ram, son of Mul Chand.
67. Shri Subedar Singh, son of Dan Singh.
68. Shri Mahabir Parshad, son of Shri Chandu Ram.
69. Shri Devi Dutt, son of Shri Mohkam Chand.
70. Shri Chede Lal, son of Shri Chillu Ram.
71. Shri Shekh Bahadur, son of Shri Bhagwati Parshad.
72. Shri Mohan, son of Shri Durga Dass.
73. Shri Ram Niwas, son of Shri Mansa Dutt.
74. Shri Bhal Singh, son of Shri Jai Narain.
75. Shri Manohar Lal, son of Shri Ganpat Ram.
76. Shri Radhey Shyam, son of Shri Kalu Ram.
77. Shri Megha Ram, son of Shri Gama Shah.
78. Shri Rup Chand, son of Ratti Ram.
79. Shri Roshan Lal, son of Shri Lahri Mal.
80. Shri Parbhu Dayal, son of Shri Ganga Ram.
81. Shri Govind, son of Shri Chokn Raj.
82. Shri Bal Chand, son of Shri Jaggan.
83. Shri Dev Karan, son of Shri Devi Dass.
84. Shri Hari Ram, son of Shri Gopi Ram.
85. Shri Satya Narain, son of Shri Harphool.
86. Shri Babu Lal, son of Shri Itwari.
87. Shri Sher Singh, son of Shri Badha Ram.
88. Shri Parmeshwar, son of Shri Gungan Ram.
89. Shri Ved Parkash, son of Shri Ram Sarup.
90. Shri Basanta, son of Shri Pusa Ram.
91. Shri Arjun, son of Shri Gopa.
92. Shri Bansi Lal, son of Shri Chander Bhan.
93. Shri Dhane Singh, son of Shri Hardev Singh.
94. Shri Rameshwar, son of Shri Mam Chand.
95. Shri Anand Sawrup, son of Shri Shiv Charan.
96. Shri Satya Parshad, son of Shri Lalta Parshad.
97. Shri Choghal, son of Shri Kalu Ram.
98. Shri Sohan Lal, son of Shri Mela Ram.
99. Shri Hardwari Lal, son of Shri Chet Ram.
100. Shri Chiranji, son of Shri Sarju.
101. Shri Ram Chand, son of Shri Tara Chand.
102. Shri Jagdish, son of Shri Uma Dutt.
103. Shri Ladu Singh, son of Shri Madu Singh.
104. Shri Mawa Singh, son of Shri Bhan Singh.
105. Shri Kishan Lal, son of Shri Siri Chand.
106. Shri Suraj Bhan, son of Shri Kalu Ram.
107. Shri Ram Singh, son of Shri Bhanwar Singh.
108. Shri Faquir Chand, son of Shri Ram-jeewan.
109. Shri Gungan Ram, son of Shri Pokhar.
110. Shri Jagannath, son of Shri Chotu Ram.
111. Shri Amrit Pal, son of Shri Gian Chand.

112. Shri Tara Chand, son of Shri Jopai Dass.
113. Shri Kishan Lal, son of Shri Sedh Mal
114. Shri Mangtoo Ram, son of Shri Shi Lal.
115. Shri Ramraj, son of Shri Thakurd en.
116. Shri Ramdulare, son of Shri Nimru
117. Shri Ram Lakhan, son of Shri Sub ai.
118. Shri Kishori, son of Shri Nanak C and.
119. Shri Jagannath, son of Shri Raghu ir.
120. Shri Lekh Raj, son of Shri Meena R n.
121. Shri Chom Ram, son of Shri Fhaqui a.
122. Shri Ghisha, son of Shri Ramji Li .
123. Shri Ram Chander, son of Shri Shiv al.
124. Shri Hajari, son of Shri Girji.
125. Shri Bishan Ram, son of Shri Balu lam.
126. Shri Jagatnarain, son of Shri Ratti lam.
127. Shri Indraj, son of Shri Ram Sing .
128. Shri Munshi, son of Shri Birdhi.
129. Shri Kartar Singh, son of Shri Bhaq wan Singh.
130. Shri Jai Karan, son of Shri Tota Rar .
131. Shri Bhagat Singh, son of Shri C lani Ram.
132. Shri Jugal Kishore, son of Shri S yo-karan.
133. Shri Hari Ram, son of Shri Arjun.
134. Shri Jagdish, son of Shri Rajkuma
135. Shri Tej Ram, son of Shri Amir Sing a.
136. Mahabir, son of Shri Dula Ram.
137. Shri Ganpat, son of Shri Guljari.
138. Shri Ram Chander, son of Shri Banv ari.
139. Shri Mohan Singh, son of Shri I du Singh.
140. Shri Manohar, son of Shri Panna Lal
141. Shri Bhagan Lal, son of Shri Ishwar I ss.
142. Shri Ramkishan, son of Shri Matl ira Dass.
143. Shri Matu Singh, son of Shri Bhagw na Singh.
144. Shri Ram Lot, son of Shri Gayadin.
145. Shri Om Parkash, son of Shri Banv ari Lal.
146. Shri Nand Lal, son of Shri Surba Ran .
147. Shri Murari, son of Shri Puran Chan
148. Shri Kishan Singh. son of Shri Ba lri Singh.
149. Shri Ramautar, son of Shri Bihari Lal.
150. Shri Mahabir, son of Shri Babu Ram.
151. Shri Ghanshyam, son of Shri Modram.
152. Shri Hardutt. son of Shri Ratti Ram.

No. 11(112)-3Lab-80/2152.—In pursuance of the provision of section 17, of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s East India Cotton Manufacturing Co. Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
LABOUR COURT, HARYANA,
FARIDABAD.

Reference No. 104 of 1977

between

SHRI JALBIR SINGH, WORKMAN AND
THE MANAGEMENT OF M/S EAST
INDIA COTTON MANUFACTURING
COMPANY LTD., FARIDABAD.

Present:—

Shri H. R. Dua, for the workman.
Shri R. C. Sharma, for the manage-
ment.

AWARD

1. By order No. ID/FD/2046-A-76/27471, dated 22nd July, 1977, the Governor of Haryana, referred the following dispute between the management of M/s East India Cotton Manufacturing Company Ltd., Faridabad and its workman Shri Jalbir Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947:—

Whether the dismissal of Shri Jalbir Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties.

The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 30th November, 1977:—

- (1) Whether the reference is premature and, therefore, bad in law ?
- (2) Whether the dismissal of Shri Jalbir Singh was justified and in order ? If not, to what relief he was entitled ?

And the case was fixed for the evidence of the management. The management examined Shri Brij Mohan, a shopkeeper as MW-1, Shri Rattan Chand Jain, their Head Cashier as MW-2 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard.

I now give my findings issueswise:—

ISSUE No. 1:

The demand notice is, dated 11th October, 1976. The workman was dismissed on 10th September, 1976 as per the demand notice. I do not understand how it is pre-mature. I, therefore, decide this issue against the management.

ISSUE No. 2 :

MW-1 had stated that they were doing the repairing work of spare parts of automobile work and the workman used to attend their shop for repairing purposes and took away the repaired articles. He identified the workman. When the workman paid cash they issued receipts, and when he did not make payment. They used to hand over bills. He brought original bills. He stated that the duplicate carbon copies were signed by the workman. These copies are, Exhibit M-1 to M-10. The original of mark A was signed by his brother. He stated that the workman paid previously bills but did not pay in respect of Exhibit M-1 to M-10 and, therefore, he wrote a letter to the management, Exhibit M-11 followed by reminder Exhibit M-26. He stated that the payment of that bill was still due and the management told them to secure payment

as soon as possible. In cross examination he stated that his firm was registered and that the item mentioned in these bills were taxable under the Sales tax. They had sold that articles to the management. He also stated that some other persons of purchase department also used to go to them with the workman. He could not tell the name of that person but stated that his name might be as Shri Bansal, who purchased articles from them directly. He had introduced the workman to them for the said purpose only. They did not receive any receipt from the management in respect of receipt of goods by them. Although a driver together with a car used to accompany the workman. And the goods were put in the car by the workman or their men in their presence. He denied that the management paid them by cheque. He stated that the payments were made to them by the workman in cash. MW-2 stated that the payments were made through vouchers in their factory. When all the forms duly completed, their voucher was made and checked and the Commercial Manager was the sanctioning authority. He made payment on receipt of the voucher getting signatures of the workman. He did not bring the original of Exhibit MW-2/A. He also made payment to the workman in respect of Exhibit MW-2/B. The workman received payment through them on behalf of Manta Battery services who had lodged a report with the management of non-receipt. He also stated that the payment was made to M/s Kanta Battery services,—vide voucher copy, Exhibit MW-2/C. This was paid by Cheque and the receiving person signed the receipt of cheque. It was supported by requisition copy, Exhibit MW-2/D. He could not say whether any charge-sheet was issued to the workman. He was concerned with cash department only. He also could not say whether the enquiry was made against the workman or not, regarding second payment by cheque. He could not tell the ground of the termination of services of the workman. He stated that question of clearances slip did not arise as far as he was concerned. The representative for the management

produced letter, Exhibit MW-2/I. WW-1 stated that he was a trade union worker and his services were terminated without any justification. He proved a clearance certificate, Exhibit W-2. He also proved notice, postal receipt and A.D. Exhibit W-3 to Exhibit W-5. He stated that he was not charge-sheeted, nor any enquiry was held. He denied that he embezzled any amount of the management.

3. Exhibit MW-2/D is an order from the Personnel Manager of the management that the workman was dismissed. He asked for writing of the workman and for payment to M/s Kanta Battery but this Personnel Manager never appeared in court, nor deposed anything against the workman. From Exhibit MW-2/D it appears that some Shri O. P. Ahuja has signed as Personnel Manager. Exhibit MW-2/C is bank voucher relating to an amount of Rs. 656.97. This document does not throw light on any matter. Exhibit MW-2/A is a cash voucher of which photostat copies are on the file which are not exhibited. Exhibit MW-2/B again is a cash voucher. It is illegible in most of the part. Mark D is a letter from the management to the workman asking to submit his explanation as to why disciplinary action should not be taken against him for continued absence for ten days. It is, dated 20th September 1976. And the services of the workman were terminated on 10th September, 1976. It is after termination. It is not exhibited. The copy suggests that it was sent by U.P.C. It has not been proved and hence has not been exhibited. It is useless to discuss it as it is merely marked. Exhibit MW-2/E is memorandum which reads that the workman was charged with being absent from 11th September, 1976 despite notice of the management, dated 20th September, 1976 and that the workman received a sum of Rs. 655.07 but not paid to the party concerned. The management charged that these acts constituted as misconduct and asked the workman to submit his explanation. Exhibit M-1 is a letter from M/s. Manta Battery to the management. Exhibit M-12 is its reminder. Mark B is letter from the management to the workman. The

Personnel Manager has written that the charge of criminal misappropriation is proved against the workman as per their certified standing orders. I fail to understand how the charges were proved against the workman when no enquiry was held by the management. This letter contains whereof, although unproved seems to be a conjuncture merely. It is strange that the Personnel Manager found the workman guilty of charges without holding any enquiry. Exhibit MW-2/E contains two charges. Absence from duty and non-payment of the amount to the party for which it was collected. But no enquiry was held in respect of any of the charges. The charge-sheet is, dated 23rd November, 1976 asking the workman that he was absent from 11th September, 1976. Issuance of charge-sheet is very strange and unintelligible to any ratio. It seems that these charges have been concocted. The management issued a charge-sheet on 23rd November, 1976, asking the workman that he was absent from 11th September, 1976 whereas the workman was dismissed on 10th September, 1976, as per himself. Exhibit M-2 is a reply of the workman to the management. This reply has been proved by the management. It is Exhibit M-2. It means that the management has placed reliance on this document. But this document although written by the workman clearly states that a bogus and fabricated charge-sheet was issued to him. This reply also states that the management first tried the police authorities to get the resignation from the workman and then issued a false charge-sheet. When the workman denied the charges it was incumbent on the management to hold a domestic enquiry. They did not hold that. But if they prove the charges before me, I can well appreciate whether the workman committed a misconduct or not. Exhibit W-3 is a copy of a letter from the advocate of the workman to the management. Exhibit W-1 is a letter of appointment according to which the workman was appointed. Exhibit W-2 is a clearance slip, dated 13th September,

1976. The management gave this clearance slip to the workman on 13th September, 1976, and thereafter issued a charge-sheet asking the workman that he was absent. Before me no misconduct of the workman has been proved, rather charges have proved to be concocted and after thought by the management. While answering the reference, I give my award that the dismissal of the workman is neither justified, nor in order. He is entitled to reinstatement with continuity of service with full back wages. I order accordingly and direct the management to reinstate him with continuity of service and to pay him full back wages.

Dated the 4th February, 1980.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 127, dated 12th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 21st February, 1980

No. 11(112)-3Lab-80/2296.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. D. K. Steel Rolling Mills, Bahadurgarh.

**BEFORE SHRI BANWARI LAL DALAL,
PRESIDING OFFICER, LABOUR COURT,
ROHTAK.**

Reference No. 97 of 1979

**SHRI SATBIR SINGH, WORKMAN AND THE
MANAGEMENT OF M/S D. K. STEEL ROLLING
MILLS, BAHADURGARH.**

Present :

Shri Harish Chander, for the workman.

No one for the respondent-management.

AWARD

By order No. ID/RKT/53-79/17990, dated 1st May, 1979 of the Governor of Haryana, the following dispute between the management of M/s. D. K. Steel Rolling Mills, Bahadurgarh and its workman Shri Satbir Singh was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of service of Shri Satbir Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference notices as usual were sent to the parties. The parties appeared through their authorised representatives. The authorised representative of the workman Shri Chander Singh prayed that his demand notice be treated as his statement of claim and the management was asked to file the written statement, but the management did not file their written statement on 13th July, 1979 and an adjournment was granted subject to a cost of Rs. 25/-. On 17th August, 1979, the management filed their written statement and the copy of the same was given to the workman and Shri Chander Singh was asked to file his authority letter, but on 12th October, 1979, Shri Chander Singh, who was representing the workman stated that he has no authority letter from the workman and the workman is not traceable. In the interest of justice my learned predecessor ordered for a fresh notice to the workman. There was only one address of the workman on the file on this address the notice was issued to the workman and the same was received by Shri Harish Chander on behalf of Loh Udyog Karamchari Sangh, Bahadurgarh. Shri Harish Chander appeared on behalf of the workman and made a statement at the bar that the workman concerned was not available and he had no instructions from the workman and he did not want to pursue this reference. The management has filed a photostat copy of their letter written to the Labour Officer-cum-Conciliation Officer, Bhiwani in respect of the demand of the workman concerned, wherein they have alleged that the workman concerned has cleared his accounts with the

respondent. In view of the letter and statement of the representatives of the union I am of the opinion that the workman has no dispute against the management. I, accordingly make the no dispute award and answer the reference in these terms.

Dated the 30th January, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endstt. No. 433, dated 18th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

No. 11(112)-3Lab-80/2299.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Chhabra Industries, Modern Industrial Estate, Bahadurgarh.

BEFORE SHRI BANWARI LAL DALAL PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 40/79

between

Shri Ganga Ram, workman and the management of M/s. Chhabra Industries, Modern Industrial Estate, Bahadurgarh

Present :—

Shri Dhan Singh, for the workman.

Shri M. M. Kaushal, for the respondent management

AWARD

By order No. ID/RTK/15-79/6422, dated 16th February, 1979, of the Governor of Haryana the following dispute between the management of M/s. Chhabra Industries, Modern Industrial Estate, Bahadurgarh and its workman Shri Ganga Ram was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 1 of the Industrial Disputes Act, 1947.

"Whether the termination of service of Shri Ganga Ram was justified or not, in order? If not, to what relief is he entitled?"

On receipt of the order of reference, usual notices were sent to the parties. On receipt of the notices of reference the parties put in their appearance through their authorised representatives. The parties filed their respective pleadings and on the basis of which the following issues were framed by my learned predecessor on 13th July, 1979:—

(1) Whether Shri Ganga Ram petitioner is covered within the definition of workman as given in the 2(s) of the I.D. Act?

(2) As per reference?

The parties sought adjournments for a mutual amicable settlement which was finally arrived at between the parties on 11th January, 1980, when the management representative filed an application which was duly signed by the workman concerned along with his authorised representative containing the terms of settlement. The authorised representative of the management also produced a cash receipt for Rs 250 which the management paid to the workman in full and final settlement of his entire claim wherein the workman has mentioned that there remained nothing due to him out of this reference towards the management and the workman has forgone his right of re-employment or re-instatement or of back wages. The statement of the authorised representative of the workman was recorded as under:—

Statement of Shri Dhan Singh, representative of the workman:—

"The settlement filed by the representative of the management was concluded in my presence and the payment was also made in my presence and the workman has also put his signatures in my presence."

In view of the settlement arrived at between the parties and the statement made by the authorised representative of the workman

I make no dispute award and answer the reference while returning the same in these terms.

Dated the 29th January, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endstt. No. 431, dated the 18th February, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under sub-section (4) of section 33-C of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

No. 11(112)-3Lab-80/2300.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Haryana Agro Industries, Corporation, Ltd., Chandigarh.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 159/78.

between

Shri Surinder Singh, workman and the management of M/s. Haryana Agro Industries, Corporation, Ltd., Chandigarh.

Present :—

No one, for the workman.

Shri Surinder Kaushal, for the respondent management.

AWARD

By order No. ID/HSR/878-77/31664, dated 11th July, 1978, of the Governor of Haryana, the following dispute between the management of M/s. Haryana Agro Industries Corporation Ltd., Chandigarh and its workman Shri Surinder Singh was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of service of Shri Surinder Singh was justified

and in order? If not, to what relief is he entitled?”

On receipt of order of reference notices as usual were sent to the parties. The parties appeared in response to these notices. The workman filed the claim statement and the management filed the written statement, and the case was fixed for filing the rejoinder and for framing the issue for 3rd July, 1979. On 3rd July, 1979 the workman made a statement that he was employed with the Haryana Agro Industries, Karnal and he had submitted the demand notice in which the reference was made for adjudication of the dispute to this court and further stated that the authorised representatives Shri Tek Chand Gupta was not pursuing his case and he did not want to pursue this case and same was withdrawn. The case was to come up on 4th August, 1979, for further proceedings and this date of hearing the workman's representative made the following statement:—

Statement of Shri Tek Chand Gupta, Representative of the workman:—

“I identify the signature of Shri Surinder Singh, the workman. Shri Surinder Singh is the same workman who has filed this claim and I have filed the claim statement in this case.”

In view of the above circumstances my learned predecessor ordered for *ex parte* proceedings to be taken against the workman and the case was to come up for *ex parte* evidence of the management. On 27th September, 1979, M.W.-1 Shri Rajinder Pal Aggarwal, Assistant Secretary of the management was examined. He stated that the workman joined the service of the management,—vide appointment letter copy Ex. MW-1/A on 14th March, 1973. The workman was working in the Karnal Farm Centre in January, 1977 from where he proceeded on leave, before 24th January, 1977 and remained on leave upto 4th April, 1977. The workman sent leave applications in writing but he did not get the leave sanctioned from the authorities. The leave application upto 4th April, 1977 is Ex. MW-1/C and his services were terminated on 14th May, 1977 through Ex. MW-1/D and the workman was transferred from Karnal to Ladwa,—vide Ex. MW-1/E. Two more witnesses examined for the management were Shri Raj Bir, Chargeman F.S.C., Ladwa who stated that since January, 1977, the workman

concerned was never marked his attendance in the attendance register. The store Keeper of the management Shri Krishan Kumar stated that he has brought the attendance register of F.S.C., Karnal, according to which Shri Surinder Singh's attendance has not been marked in this register since 15th January, 1977. From 15th January, 1977 to 3rd March, 1977, he was shown on leave and after 3rd March, 1977, he has been marked absent.

In view of the above circumstances the statement of the witnesses produced by the management are to be relied upon. Moreover when they are made *ex parte* and keeping in view the statements of the workman concerned and his authorised representative. I arrived at the conclusion that the workman willfully absented himself and abandoned the services of the management. He did not report for duty in spite of letters sent to him by the management to join his duty immediately and,—vide MW-1/D was asked to furnish his explanation for his absence from duty which he did not furnish resulting in termination of his services by the management. In view of the above circumstances I make the award that the order of termination is justified and in order and he is not entitled for any relief. I answer the reference while returning the award in these terms

Dated the 29th January, 1980.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 430, dated the 18th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Rohtak.

Chandigarh, the 25th February, 1980

No. 11(112)-3Lab-80/2425.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management

of M/s Partap Steel Rolling Mills Pvt. Ltd., Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 181 of 1977

between

SHRI AMIR SINGH BHATIA, WORKMAN AND
THE MANAGEMENT OF M/S. PARTAP STEEL
ROLLING MILLS PVT. LTD., BALLABGARH.

Present :

Shri Amar Singh Sharma for the workman.
Shri K. P. Agrawal for the management

AWARD

1. By order No. ID/FD/18-K-76/46738, dated 25th October, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Partap Steel Rolling Mills (P) Ltd., Ballabgarh, and its workman Shri Amir Singh Bhatia, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Amir Singh Bhatia was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issue was framed on 19th April, 1978:—

1. Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is the workman concerned was justified

And the case was fixed for the evidence of the management. The management examined Shri Sat Paul Sharma as MW-1 and proved Ex. M-1 to Ex. M-6 and stated that the workman was appointed temporary as Draftsman. The workman absented himself from 16th October, 1976 to 3rd November, 1976. The management sent to the workman Ex. M-2 and M-3 but the workman did not join duty. The workman had not applied for leave. The workman absented without permission. He could not tell as to who was the

person to receive Dak on 2nd November 1976. The management closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 who stated that he was appointed in March, 1976 as a permanent workman and he had caused no complaint. He had fallen sick. He had got his treatment in ESI Faridabad. He had given medical certificate with leave application to one Shri Malik in the time office and had sent Ex. W-2 to the management by Dak. A.D. is Ex. W-1 which is signed by the management. Ex. M-4 and M-7 are the conciliation proceedings and letter of information from the Conciliation Officer. The statement before the Conciliation Officer are not inconsistent with the statement made here by the parties. Ex. M-3 is dated 28th October, 1976 asking the workman to resume duty. Ex. M-2 is dated 3rd November, 1976, advising the workman that the management has deemed him to left his services of his own accord and his name has been struck off w.e.f. 3rd November, 1976. Ex. M-6 is A.D. form address to the workman. It is dated 8th November, 1976. Ex. M-8 is letter from the Joint Secretary, Labour to the workman and the management, Ex. M-1 is the appointment letter. From the letter of appointment I find that the management appointed the workman as temporary from 24th March, 1976 at Rs. 500/-. Ex. W-1 is A.D. form sent by the workman to the management. Ex. W-2 is a copy of letter sent by the workman to the management acknowledging receipt of management's letter dated 28th October, 1976, informing the management that the workman was sick and was getting treatment in ESI and the workman had sent ESI certificate by hand with application. The workman also informed the management by this letter that he shall join duty as soon as he get fitness certificate. He also sent ESI certificate number 149206 and requesting the management to mark him as per the medical certificate. This letter was sent by registered A.D. The postal receipt is Ex. W-3 bearing dated 2nd November, 1976. The A.D. form is signed by the management on 3rd November, 1976.

3. I have gone through all the evidence documentary as well as oral. The workman was sick and was getting treatment of ESI and had informed the management accordingly. The management was not justified in striking off his name. I, therefore, decide issue number 1 against the management. As per my decision on issue number 1, I give my award that the termination of services of the workman was neither justified, nor in order. He is entitled to reinstatement with

continuity of service and with full back wages and I order accordingly.
Dated 4th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 156, dated 19th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-80/2426.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Forgings Pvt. Ltd. 18/5, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 230 of 1978

between

SHRI RAM PAL SINGH, WORKMAN AND THE
MANAGEMENT OF M/S FORGINGS PRIVATE
LIMITED, 18/5 MATHURA ROAD,
FARIDABAD.

Present :

Shri Darshan Singh for the workman.

Shri S. S. Sethi for the management.

AWARD .

1. By order No. ID/31959, dated 12th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Forgings Private Limited, 18/5, Mathura Road, Faridabad and its workman Shri Ram Pal Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Pal Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 15th February, 1979:—

1. Whether the workman was a probationer? If so, whether his work was not satisfactory? If so to what effect?
2. If issue No. 1 is not found in favour of the management whether the termination of services of the workman was justified and in order?

3. If not to what relief is he entitled?

And the case was fixed for the evidence of the management. The management examined Shri N. K. Sehdev, their Tool Room Engineer as MW-1 and Shri N. K. Sharma, Pro-Manager Tool Room as WW-2, Shri V. D. Bhandari, Pro-Manager as MW-3 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments have been heard. Now I give my finding issue-wise:—

ISSUE No. 1

MW-1 stated that the workman was appointed as a probationer and he worked for seven months only. His work was not satisfactory, qualitatively and quantitatively. He had asked the workman to improve his work but he did not and therefore, was removed from service. The workman had damaged the work also. He proved Ex. M-1 and M-2. He did not ask his explanation in writing. He did not give opportunity to the workman to explain the damage caused by him by his faulty work, neither any enquiry was held. They maintained records of work done by the workman. He did not bring these registers. He admitted that the workman had joined his duty on 20th June, 1976 and that the card Ex. M-1 pertained to his factory. But he could not say regarding a document form mark A pertained to their factory or not. Termination letter was sent to the workman by post as he had refused to receive. MW-2 stated that the workman worked for two months as a probationer from 18th July, 1976. He stated that the work of the workman was not satisfactory. The juniors put in more work than this workman. He had compared the work done by others. He proved Ex. M-2 to Ex. M-6. He received reports from the Supervisor asking the workman to improve. The workman admitted the mistake and assured him to improve but there was no improvement. In cross-examination he stated that neither the

enquiry was held but he could prove his unsatisfactory work from records. MW-3 stated that the workman was appointed in Tool Room as a Turner in plant number 1,—vide Ex. M-7 as casual labour. He was thereafter appointed as probationer on 9th July,—vide Ex. M-1. During his probation period, his Head of Department had made three reports against the workman. The Departmental head did not recommend the workman for confirmation. Another report Ex. M-5 was also received against him. Then the services of the workman were terminated. The workman was appointed by him as a casual labour for doing the work which was done by one Shri Narinder Parkash, as the post of Shri Narinder Parkash had not fallen vacant as no action had been taken against him. Although, his post was terminated, Shri Narinder Parkash had not resigned by that time, nor the management had removed him by that time. Hence these were temporary arrangements. They had asked comments from Head of Department for confirmation of four persons but the Head of Department recommended confirmation of another three and not of this workman. The date of appointment of this workman is 19th July, 1976.

3. WW-1 stated that he was appointed in June, 1976 and did not cause any complaint and his work was satisfactory. His services were terminated because he had refused to give cases for family planning when asked for by Shri Bhandari MW-3. He denied that his statement regarding Family Planning was an after thought. He had told this fact regarding Family Planning to his representative Shri Darshan Singh. He could not tell whether he was on daily wages or monthly wages. He also stated that he did not know what was a probationer hence he could not say that he was kept as a probationer or not.

4. Ex. M-1 is letter of appointment by which the workman was appointed. It is dated 16th July, 1976. A term of this letter prescribes that the workman shall be on probation for the first six months during which his services may be terminated without notice and without assigning any reason and his probation period may be extended at the discretion of the management for further six months. No letter was issued to the workman. The probation period shall be deemed to have been extended. Ex. M-12 is personal particulars form. Ex. M-9 is termination order. Ex. M-10 is a letter by which termination order was sent to the workman. Ex. M-2 is a report

against the workman regarding his performance which was not good. This gives details also. Ex. M-3 is also a complaint against the workman regarding his unsatisfactory work. Similar is Ex. M-5 and M-6. Ex. M-8 is a confirmation statement by which the workman has been shown as not to be confirmed. Ex. M-18 are the Certified Standing Orders. Mark A is ESI Identity Card of the workman and Ex. W-1 is his Identity Card bearing the name of the management. Ex. M-7 is casual employment slip by which the workman was appointed from 24th June, 1976 to 17th June, 1976 casually. Ex. M-13 to M-14 are casual wage payment slips. Ex. M-15 is not relevant. Ex. M-11 is a letter addressed to the workman by the management returned to the management undelivered. Ex. M-16 and M-17 are conciliation proceedings.

5. There is an express clause in the letter of appointment that if no letter is issued to the workman, the probation period will be deemed to have been extended. All evidence lead me to conclude that the probation period of the workman was extended and the workman was on an extended period of probation. He was a probationer. There is overwhelming evidence on the file of the case to prove that the work of the workman was unsatisfactory. Several warnings have been issued to the workman that his work was unsatisfactory and he should improve. Departmental Head also has recommended confirmation of three other workmen as given in Ex. M-8 and has endorsed against this workman "Not to be confirmed". Documentary evidence also prove that the workman was formerly appointed as casual labour also for specified period and had received payments for those periods and had been appointed thereafter as a probationer. I, therefore, decide issue No. 1 in favour of the management.

ISSUE No. 2

In view of my finding on issue number 1 given above issue number 2 also is decided in favour of the management as the work of the workman as a probationer was proved to have been found unsatisfactory.

ISSUE No. 3

The workman is not entitled to any relief.

6. While answering the reference, I give my award, the termination of services of

the workman was justified and in order. He is not entitled to any relief.

Dated 11h February, 1980.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 157, dated 19th February, 1980.

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)3Lab-80/2427.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. India Steel Corporation, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 468 of 1978.

Between

SHRI CHANDAN SINGH, WORKMAN AND
THE MANAGEMENT OF M/s. INDIA STEEL
CORPORATION, MATHURA ROAD,
FARIDABAD.

Present :

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

1. By order No. ID/FD/1/167/78/46275, dated 12th October, 1978, the Governor of Haryana referred the following dispute between the management of M/s. India Steel Corporation Mathura Road, Faridabad and its workman Shri

Chandan Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chandan Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issue was framed on 17th January, 1979:—

- (1) Whether the workman resigned his job?
- (2) If issue No. 1 is not proved whether the termination of services of the workman was justified and in order?
- (3) Relief.

And the case was fixed for the evidence of the workman. The workman examined himself as W.W1 and closed his case. Then the case was fixed for the evidence of the management. The management obtained 9-10 adjournments, but produced no evidence. But lastly the settlement was arrived at between the parties. According to which the workman received a sum of Rs. 50 only in cash from the management and stated that he did not like to pursue his case. In view of the settlement I give my award that the dispute has been settled and the workman has received a sum of Rs. 500 only from the management in full and final settlement and in the circumstances, termination of services of the workman is justified and in order. He is not entitled to any relief.

Dated the 13th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad

Endst. No. 162, dated 13th February, 1980.

Forwarded (four copies) to the Secretary to Government Haryana Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad

No. 11(112)-3Lab-80/2430.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the

Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Aggarwal Foundry & Engg. Works, Sector-24, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, LABOUR TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 336 of 1978

between

SHRI RAM ASARA, WORKMAN AND THE
MANAGEMENT OF M/S. FOUNDRY & ENGG.
WORKS, SECTOR-24, FARIDABAD.

Present :

Shri R. L. Sharma for the workman.

Shri H. R. Dua for the management.

AWARD

1. By order No. ID/FD/51-78/37832, dated 16th August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Aggarwal Foundry & Engineering Works, Sector-24, Faridabad and its workman Shri Ram Asara, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947:—

Whether the termination of services of Shri Ram Asara was justified and in order? If not, to what relief is he entitled.

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 9th August, 1979:—

1. Whether the workman resigned his job?
2. If issue No. 1 is not proved whether the termination of services of the workman was justified and in order?
3. Relief.

And the case was fixed for the evidence of the management. Finally, the dispute was settled and the workman received a sum of Rs. 1,000/- only before this Tribunal and stated that he did not want to pursue the case. In view of the settlement I give my award that the dispute

has been settled and the termination of services of the workman is justified and in order. He is not entitled to any relief.

Dated the 13th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Hari Giyan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Hari Giyan was justified and in order? If not, to what relief is he entitled?

No. 158 dated 19th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-80/2431.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Sehgal Puri Pvt. Ltd. 14/5, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 277 of 1978

between

SHRI HARI GIYAN, WORKMAN AND THE
MANAGEMENT OF M/S SEHGAL PURI,
PRIVATE LTD., 14/5, MATHURA ROAD,
FARIDABAD.

Present :

Shri P. K. De for the workman.

Shri S. L. Gupta for the management.

AWARD

1. By order No. ID/FD/70-78/34019, dated 20th July, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Sehgal Puri Private Ltd., 14/5, Mathura Road, Faridabad and its workman Shri

3. On receipt of the order of reference, pleadings of the parties. following issues were appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 26th March, 1979:—

1. Whether the workman was on temporary basis? If so, to what effect?
2. Whether the workman is gainfully employed? If so, to what effect?
3. Whether the termination of services of the workman was justified and in order?
4. Relief.

And the case was fixed for the evidence of the management. The management obtained 9 or 10 adjournments but produced no evidence but lastly the dispute was settled between the parties. The management agreed to reinstate the workman with continuity of service and agreed to pay him a sum of Rs. 250/- against back wages. I, therefore, give my award that the termination of services of the workman was neither justified nor in order. He is entitled to reinstatement with continuity of service and Rs. 250/- only from the management against back wages.

Dated the 13th February, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 161 dated 19th February, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.